No. 91-1489 (1)

Supreme Court, U.S.
FILED
FEB 5 1992
OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1991

MONTE LEE,

Petitioner,

vs.

UNITED STATES GOVERNMENT,

Respondents.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

MONTE LEE
6520 B Selma Avenue
Hollywood, California 90028
(213) 465-6575

Petitioner Pro Se

Lorraine Mitchell Legal Briefs

732 E. WASHINGTON BOULEVARD
LOS ANGELES, CALIFORNIA 90021-3088
(213) 747-5631 • FAX (213) 747-5843

CONTENTS REPRODUCED FROM FURNISHED PRETYPED COPY

QUESTIONS PRESENTED FOR REVIEW

1. Whether the dismissal by the Ninth Circuit on the grounds that:

> "Any antitrust claim arising out of the state court injunction is barred by res judicata and collateral estoppel is false."

The following clear evidence was before the Ninth Circuit:

> "The question of res judicata and collateral estoppel has been fully briefed, argued, and twice decided adversely to defendants. On the basis of the orders of United States District Judge David Williams and Judge William Byrne, Jr., denying Metro-Goldwyn Mayer's motion.
>
> "United States District Judge William Matthew Byrne, Jr., Judge

Presiding. The Court: 'AS TO ISSUE NO. 2, ON RES JUDICATA AND COLLATERAL ESTOPPEL, IT GOES OUT OF PRETRIAL.'"

2. Whether a judge who hands down a false order with the knowledge that it is false is acting in clear absence of his jurisdiction.

LIST OF PARTIES TO THE PROCEEDING

Monte Lee and the Executive, Legislative and Judicial branches of Government.

TOPICAL INDEX

	Page
Questions Presented For Review	i
List Of Parties To The Proceeding	iii
Table of Authorities	v
PETITION FOR WRIT OF CERTIORARI	1
JURISDICTION	1
CONSTITUTION, FEDERAL AND STATE STATUTES	2
PRELIMINARY STATEMENT	2
STATEMENT OF THE CASE	6
ARGUMENT	9
GOVERNMENT PROTECTED CRIMINAL ACTS	9
ILLEGAL DEAL	11
FRAUDULENT CONCEALMENT	12
ARGUMENT AMPLIFYING REASONS FOR ALLOWANCE OF A WRIT OF CERTIORARI	15
CONCLUSION	21
APPENDIX	

TABLE OF AUTHORITIES

Cases

Commonwealth v. Russo,
177 Pa.Super. 470, 111 A2d 359 — 9

Conley v. Gibson,
355 U.S. 42 (1957) — 11

Fundunburks v. Michigan Mut.
Liability Co.,
63 Mich. App. 405,
234 N.W.2d 546 — 13

Gibson v. United States,
781 F.2d 1334 (9th Cir. 1986) — 11

United States v. Perlstein,
126 F.2d 799 — 9

United States v. Perlstein,
C.C.A.N.J., 126 F.2d 789 — 19

United States v. Paramount Pictures,
70 F.Supp. 53 (1947) — 3

United States v. Paramount Pictures,
334 U.S. 131, 68 S.Ct. 915 (1948) — 3

Statutes

15 U.S.C. 15
Section 4 (Clayton Act) — 5

18 U.S.C.A.
para. 4 — 19

28 U.S.C.,
Section 1254 n.7 — 2

No. _____

IN THE SUPREME COURT

OF THE UNITED STATES

October Term, 1991

MONTE LEE,

Petitioner,

vs.

UNITED STATES GOVERNMENT,

Respondents.

PETIION FOR WRIT OF CERTIORARI

Monte Lee petitions for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

JURISDICTION

A timely petition for rehearing with suggestion for rehearing en banc was denied

on November 25, 1991. The jurisdiction of this Court is invoked under 28 U.S.C. Sec. 1254, n.7.

CONSTITUTION, FEDERAL AND STATE STATUTES

The relevant portions of the Constitution and federal and state statutes are adequately set forth in the Petition.

PRELIMINARY STATEMENT

Metro-Goldwyn-Mayer, Inc., and Cinerama, Inc., entered into an unlawful contract, the substantial terms of which MGM and Cinerama were to pool profits, block book various motion pictures, impose vertical distribution restraints, and engage in circuit dealings. (Defendant's Joint Complaint, paragraphs I, III, and IV, Metro-Goldwin-Mayer, Inc., et al. v. Monte Lee,

et al., Civil No. 783, 825, Superior Court of California, Los Angeles County, 1961.) The terms of the written agreement between the defendants have long been held to be violative of the Sherman Act. United States v. Paramount Pictures, 334 U.S. 131, 68 S.Ct. 915 (1948), and United States v. Paramount Pictures, 70 F.Supp. 53 (1947). In an effort to conceal the proceeds of this illegal agreement, the defendant MGM received the approval of Cinerama to form the defendant, Gallen Films, S.A., a Switzerland corporation. Gallen Films, S.A., was used by the defendants, MGM and Cinerama, as a dummy corporation for the ostensible purpose of producing the film, "The Wonderful World of Brothers Grimm."

At that time the plaintiff was an independent distributor who was endeavoring to sell a picture in the open market. In

furtherance of their illegal agreement and because the plaintiff was a competitive threat to the fulfillment of the defendants' unlawful alliance, the defendants jointly caused litigation to be used against the plaintiff with the purpose in whole and in part of totally eliminating the competition of the plaintiff.

The Law Offices of Joseph L. Alioto substituted themselves in place of plaintiff on or about May 12, 1971, who was then in pro per and at the pre-trial stage in an antitrust action in the courtroom of United States District Judge David Williams, Central District of California, in an action entitled as follows: Monte Lee, plaintiff vs. Edward Mosk, Norman Rudman, Attorneys at Law, and Metro-Goldwyn-Mayer, Inc., a corporation, Cinerama, Inc., a corporation, and Gallen Films, a corporation, defendants, Civil Case No. 66-1804.

The Law Offices of Joseph L. Alioto committed themselves to represent plaintiff on the illegal use of judicial and administrative adjudicative proceedings to restrain interstate trade and commerce and to eliminate competition. Antitrust action brought under Section 4 of the Clayton Act (15 U.S.C. 15), which caused injury to the appellant.

The Law Offices of Wyman, Bautzer, Rothman & Kuchel, through attorney Frank Rothman, represented Metro-Goldwyn-Mayer, Cinerama, and Gallen Films.

The case was transferred on June 2, 1971, to the calendar of Judge William Matthew Byrne, Jr., for all further proceedings.

STATEMENT OF THE CASE

Plaintiff filed this action on June 18, 1990, naming as defendant the "United States Government." The Complaint for Damages alleged that it is UNCONSTITUTIONAL FOR THE GOVERNMENT TO PROTECT TAX EVADER, OBSTRUCTION OF JUSTICE, AND VIOLATOR OF ANTITRUST LAWS, JURY TRIAL DEMANDED.

Plaintiff's case was transferred from the courtroom of United States District Judge Edward Rafeedie [CV 90-3119-ER(Gx)] to the courtroom of Judge Manuel L. Real [CV 90-3119-R]. ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case). Documents subsequently filed in the case had been reassigned to Judge Real substituting initial "R" so the number will read CV 90-3119-R.

Plaintiff responded to defendant United States Government's Notice of Motion and Motion to Dismiss Action on October 15, 1990, at 10:00 a.m., in the courtroom of Judge Manuel L. Real, United States District Court for the Central District of California.

Plaintiff directed the Court's attention to plaintiff's RESPONSE TO ORDER TO SHOW CAUSE filed July 26, 1990, wherein plaintiff stated the following:

> "The action should not be dismissed for the reason that it is well grounded, threefold in facts, evidence and legal theory.
>
> "Criminal acts are revealed by wrongdoers in Court filed documents, interrogatories, depositions and corporate records."

Further, plaintiff contended before Judge Manuel Real the following:

> "This Court has a continuing jurisdiction in this matter in that the crimes took place within the courtrooms housed in this building, United States District Court, Central District of California. SCOPE AND EXTENT OF JURISDICTION OF FEDERAL COURTS IS GOVERNED BY 28 U.S.C.A., paragraph 1251, et seq."

Plaintiff cited five government protected criminal acts to Judge Real contained in PLAINTIFF'S MEMORANDUM OF CONTENTIONS OF FACT AND LAW (Local Rule 9(e)) filed in this Court September 19, 1990.

ARGUMENT

GOVERNMENT PROTECTED CRIMINAL ACTS

1. Government gave protection to Metro-Goldwyn-Mayer, who made it a practice to destroy records, receipts, paid invoices, in its Publicity and Advertising Departments, not only in plaintiff's case but on one thousand (1,000) motion pictures, concealing millions of dollars in unaccountable money.

2. Protected obstruction of justice knowing that it is an obstruction of justice to destroy evidence that is wanted in the judicial proceeding which is made clear in United States v. Perlstein, 126 F.2d 799; Commonwealth v. Russo, 177 Pa.Super.470, 111 A.3d 359.

3. Government protected fifteen (15) year span of Metro-Goldwyn-Mayer illegal, unaccountable payments from 1961 to 1976.

First illegal payment was fifty thousand dollars ($50,000) palmed off as paid advertising of a motion picture a full year from completion that obtained a permanent injunction against plaintiff.

4. Protected Wyman, Bautzer, Rothman & Kuchel, outside legal counsel for Metro-Goldwyn-Mayer, who aided and abetted the filing of false documents with the Securities & Exchange Commission investigating MGM for illegal payments; withholding payments made to Dummy Corporation Gallen Films, formed by MGM.

"Deal Memo: MGM will accept such assignment and will duly perform the obligations of the

employer thereunder, Gallen shall receive a production fee of $45,000.00 to be due and payable as follows: $25,000.00 on December 7, 1961. $20,000.00 on February 8, 1962."

5. Gave protection to written signed agreement to violate antitrust laws.

Dismissal is improper unless "[i] appears beyond doubt that plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Gibson v. United States, 781 F.2d 1334, 1337 (9th Cir. 1986), quoting Conley v. Gibson, 355 U.S. 41, 45-46 (1957)."

ILLEGAL DEAL

Under the deal, appellant's attorneys, the Law Offices of Joseph L. Alioto, agreed to join forces with the Law Offices of

Wyman, Bautzer, Rothman & Kuchel, a partnership, attorneys for Metro-Goldwyn-Mayer, Inc., a corporation; Cinerama, Inc., a corporation, and Gallen Films, S.A., a corporation.

The agreement was for the law firms to conceal each other's crimes and those of the corporations, and all involved.

Appellant's attorneys, the Law Offices of Joseph L. Alioto, were to drop antitrust suit, obtain a directed verdict in favor of the defendants, and to abandon plaintiff.

In exchange to fraudulently conceal from appellant and the jury the fact that at that point and time Joseph L. Alioto was a tax evader himself.

FRAUDULENT CONCEALMENT

The hiding or suppression of a material fact or circumstances which the party

is legally or morally bound to disclose. The employment of skill, trickery and ingenuity planned to prevent inquiry, escape investigation and to mislead or hinder the acquisition of information disclosing a right of action. Fundunburks v. Michigan Mut. Liability Co., 63 Mich.App. 405, 234 N.W.2d 546, 547.

United States District Court Judge William Matthew Byrne, Jr., on May 18, 1972, dismissed the jury and granted a JUDGMENT ON THE VERDICT (FOR DEFENDANT), Metro-Goldwyn-Mayer, Inc., a corporation; Cinerama, Inc., a corporation; Gallen Films, S.A., a corporation.

JOSEPH L. ALIOTO CONCEDED ON WEDNESDAY, OCTOBER 30, 1973, THAT HE PAID NO FEDERAL OR STATE INCOME TAXES IN EITHER 1971 OR 1972 AND NO FEDERAL TAX IN 1970.

The action covers four (4) PETITIONS TO THE UNITED STATES SUPREME COURT FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, U.S.C. No. 80-1039, No. 83-1208, No. 86-821, and No. 89-591.

This matter was never permitted a trial by jury. The shield: the doctrine of absolute judicial immunity, unlawful attorney-judge alliances, and finally the GOVERNMENT OF THE UNITED STATES.

On May 23 and 20, 1987, plaintiff turned to Four Hundred Thirty-Five (435) individual members of Congress, One Hundred (100) individual United States Senators, President Ronald Reagan, and Cabinet Members and asked if they would oppose an investigation by a special prosecutor, all to no avail.

ARGUMENT AMPLIFYING REASONS FOR ALLOWANCE OF A WRIT OF CERTIORARI

ISSUE NO. 1

Before: Chief Judge Browning, Skopil and Norris, Circuit Judges, No. 78-3728, Monte Lee, Plaintiff-Appellant vs. Law Offices of Joseph L. Alioto, and Law Offices of Wyman, Bautzer, Rothman and Kuchel, and Metro-Goldwyn-Mayer, Inc., a Corporation; Cinerama, Inc., a Corporation, and Gallen Films, S.A., and George Pal, Defendants-Appellees - concealment of false orders and judgments also was made clear as follows: Appellant filed a Motion for Oral Argument on August 25, 1980, stating as follows:

> "COMES NOW, Appellant, Monte Lee, and does respectfully move this Court for an Order granting him an oral argument, and for

cause states that the issues in this case are serious, novel, and far reaching proportions and legal significance, and oral argument would be helpful to the Court in understanding and reaching a determination of the issues presented herein."

Memorandum No. 78-3728 D.C., CV-78-1729-R, September 11, 1980, before: Browning, Chief Judge, Skopil and Norris, Circuit Judges.

"The motion for oral argument is denied. Dismissal of the action was proper. The defendant is absolutely immune from suit. Stump v. Sparkman, 435 U.S. 349, 355-57 (1978). Any antitrust claim arising out of the state court injunction is barred by res judicata

and collateral estoppel. The subsequent actions of the lawyers in furtherance of the same restraint that was the subject of the prior suit therefore could not give rise to an antitrust cause of action. Affirmed."

Chief Judge Browning, Skopil and Norris, Circuit Judges, concealed the following fact before them on September 11, 1980:

"The question of res judicata and collateral estoppel has been fully briefed, argued, and twice decided adversely to defendants. Reporter's Transcript of proceedings Thursday, February 10, 1972, Honorable William Matthew Byrne, Jr., Judge Presiding.

"The Court: As to Issue No. 2 on res judicata and collateral estoppel, it goes out of pre-trial."

Chief Judge Browning, Skopil and Norris, Circuit Judges, lied to the full court en banc and handed down a fraudulent Order No. 78-3728 filed November 19, 1980.

The panel constituted in the above case has voted to deny the petition for re-hearing and to reject the suggestion for a rehearing en banc.

"The full court has been advised of the suggestion for en banc rehearing and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed.R.App. 35(b).

"The Petition for Rehearing is denied and the suggestion for a rehearing en banc is rejected."

ISSUE NO. 2

In handing down their decision filed August 30, 1991, Browning, Sneed and Norris, Ninth Circuit Judges, overlooked the Ninth Circuit Court of Appeals' offense of Misprision of a Felony, the offense of concealing a felony committed by another. United States v. Perlstein, C.C.A.N.J., 126 F.2d 789, 798. Misprision of a felony is guilty of a federal crime. 18 U.S.C.A. para.4.

Browning, Sneed and Norris had positive proof before them that false orders and adverse judgments were handed down by United States District Court Judges for the Central District of California Harry Pregerson and Manuel L. Real. See Monte Lee Plaintiff and Appellant vs. United States Government, Defendant and Appellee, No. 90-56362 (No. 90-3119-R).

EFFECT OF VIOLATIONS

(a) Appellant has been injured in his efforts to compete, remain profitable and expand in the field of distribution in the United States; and

(b) Years of litigation placed a cloud on appellant's motion picture rendering it worthless; no one wanting to participate in or buy a motion picture tied up in litigation, resulting in a loss of One Million Five Hundred Thousand Dollars; and

(c) Lost profits by reason of lost sales that appellant would have made in absence of the hereinabove violations; and

(d) Appellant otherwise has been injured in his business and property.

The appellees sanctioned the herein acts and each of them, with malice and bad faith and for the purpose of intentionally oppressing appellant. Accordingly, appellant

is entitled to punitive damages in the amount of Fifty Million Dollars.

CONCLUSION

For the foregoing reasons, this Petition for Writ of Certiorari should be granted.

DATED: Jan 31, 1992

Respectfully submitted,

Monte Lee

MONTE LEE
Petitioner Pro Se

APPENDIX

CIVATT INVATT
15 CLOSED

NON-PUBLIC DOCKET FOR
Ninth Circuit Court of Appeals

Filed: 12/26/90

Court of Appeals Docket No.: 90-56362
Nsuit: 2950 Constitutional state stat(USdf
Lee v. US Government
Appeal from: Central District of California
- -
Case type information:
1) civil
2) US
3)
- -
Lower court information:

District: 0973-2 : CV-90-3119-R
court reporter: Donna Stephenson,
CSR COORDINATOR
presiding judge: Manuel L. Real,
Chief Judge
Date Filed: 6/18/90
Date order/judgment: 10/29/90
Date NOA filed: 11/5/90
- -
Fee status: paid
- -
Prior cases:
88-6341 JTS BBF DRT
Date filed: 8/19/88
Date disposed: 6/5/89
Disposition: af/mem

Current cases:
None
- -

CIVATT INVATT
15 CLOSED

Panel Assignment:
Panel: JRB JTS WAN : **/**/**
Date of decision: **/**/**/
- -

Docket as of December 4, 1991 10:11 am
NON-PUBLIC

CIVATT INVATT
15 CLOSED

INTERNAL USE ONLY: Proceedings include all events. 90-56362 Lee v. US Government

MONTE LEE
Plaintiff - Appellant

Monte Lee
[COR LD NTC prs]
6520 Selma Avenue
Apt. "B"
Hollywood, CA
90028
213/465-6575

v.

UNITED STATES GOVERNMENT
Defendant-Appellee

Roger E. West, Esq.
[COR LD NTC aus]
UNITED STATES ATTORNEYS OFFICE
Civil Division
312 N. Spring St.
Los Angeles, CA
90012-4758

Docket as of December 4, 1991 10:11 am
NON-PUBLIC

CIVATT INVATT
15 CLOSED

INTERNAL USE ONLY: Proceedings include all events. 90-56362 Lee v. US Government

MONTE LEE

Plaintiff - Appellant

v.

UNITED STATES GOVERNMENT

Defendant - Appellee

Docket as of December 4, 1991 10:11 am
NON-PUBLIC

CIVATT INVATT
15 CLOSED

INTERNAL USE ONLY: Proceedings include all events. 90-56362 Lee v. US Government

12/26/90	1	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. Sent appellant(s) civil appeals docketing statement. setting schedule as follows: CADS due 1/9/91; appellant's designation of RT is due 11/15/90; appellee's designation of RT is due 11/26/90; appellant shall order transcript by 12/5/90; court reporter shall file transcript by 1/14/91; appellant's opening brief is due 2/21/91; appellees' brief is due 3/25/91; appellants' reply brief is due 4/8/91; [90-56362] (jhc)
1/22/91	2	Filed attorney for Appellee Civil Appeals Docketing Statement werved on 1/18/91 (to CONFATT) [90-46362] [90-56362] (lu)
2/14/91	3	Filed Original and 15 copies Appellant Monte Lee opening brief (Informal: n) 17 pages and five excerpts of record in 1 volumes; served on 2/12/91 [90-56362] (tsp) [Entry date 02/25/91]

3/25/91	4	Filed original and 15 copies appellee US Govvernment's 11 pages brief, ; served on 3/21/91 [90-56362 (ckp) [Entry date 03/26/91
4/4/91	5	Filed original and 15 copies Monte Lee reply brief. (informal; n) 5 pages; served on 4/2/91 [90-56362] (tsp) [Entry date 04/06/91]
6/6/91	6	Sent to staff attys for inventory. (bp)
6/29/91	7	Monte Lee appeals pro se the district court's order dismissing his action against the government and enjoining him from refiling his complaint without the court's permission. ISSUES: 1. Did the dc err by dismissing the action with prejudice? 2. Did the dc err by issuing the vexatious litigant order? See May v. U.S., 906 F.2d 467 (9th Cir. 1990); Wood v. Santa Barbara Chamber of Commerce, 705 F.2d 1515 (9th Cir. 1983). NOTE: Prior case 88-6341 wt=1 Atty: J. Nutt Date: 6/18/91 [90-56362 (rk)
7/8/91	8	Calendar check performed [90-56362 (th)

7/12/91	10	Screening letter sent. [90-56362] (th)
8/23/91	12	SUBMITTED TO SCREENING PANEL 161. [90-56362] [90-56362] (th) [Entry date 08/26/91
8/23/91	13	WAN, author [90-56362] [NOTE: this is NOT public information] (th) [Entry date 08/26/91]
8/30/91	14	FILED MEMORANDUM OPINION: AFFIRMED (Terminated on the Merits after Submission Without Oral Hearing; Affirmed; Written, Unsigned, Unpublished. James R. BROWNING; Joseph T. SNEED; William A. NORRIS, author.) FILED AND ENTERED JUDGMENT. [90-56362] (rc)
9/12/91	15	[1995218] Filed original and 40 copies Appellant Monte Lee petition for rehearing with suggestion for rehearing en banc. (PANEL AND ALL ACTIVE JUDGES) 8 ;.pages, served on 9/11/91 [90-56362] (rc)
10/24/91	16	Filed order (James R. BROWNING, Joseph T. SNEED, William A. NORRIS) aplt's petition for rehearing is denied, and the suggestion for rehearing en banc is rejected. [1995218-1] [90-56362] (rc)

CIVATT INVATT
15 CLOSED

10/29/91	18	Per Judge Norris Chambers do not issue mandate. [90-56362] (rc)
10/30/91	19	Filed order (James R. BROWNING, Joseph T. SNEED, William A. NORRIS) the order filed 10/24/91 is vacated. The petition for rehearing filed 9/12/91 remains under submission pending further order of this ct. [90-56362] (rc)
11/25/91	20	Filed order (James R. BROWNING,, Joseph T. SNEED,, William A. NORIS,): the petition for rehearing is denied, and the suggestion for a rehearing en banc is rejected. [90-56362] (dmd)

APPENDIX B

FILED

OCT 24 1991

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MONTE LEE,	) No. 90-56362
Plaintiff-Appellant,	) D.C. No. CV-90-3119-R
v.	) C. D. California
UNITED STATES GOVERNMENT,	
Defendant-Appellee.	

Before: BROWNING, SNEED, and NORRIS, Circuit Judges.

The panel has voted to deny appellant's petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc, and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

Appellant's petition for rehearing is denied, and the suggestion for rehearing en banc is rejected.

APPENDIX C

FILED

OCT 30 1991

CATHY A. CATTERSON

MONTE LEE, Plaintiff-Appellant, vs. UNITED STATES GOVERNMENT, Defendant-Appellee.	No. 90-56362 DC# CV-90-3119-R Central California ORDER

Before: BROWNING, SNEED and NORRIS, Circuit Judges

The order filed October 24, 1991 is vacated. The petition for rehearing filed September 12, 1991 remains under submission pending further order of this court.

APPENDIX D

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MONTE LEE,

Plaintiff(s)

VS

UNITED STATES OF AMERICA,

Defendant(s)

CASE NUMBER

CV 90-3119-R

NOTICE OF HEARING ON FILING AND SPREADING JUDGMENT OF COURT OF APPEALS (CIVIL)

To:

I hereby certify that this document was served by first-class mail, postage prepaid to all counsel (or parties) at their request to the recent address of record in this action on this date.

DATED (DEC 26 1991

(init)
Deputy Clerk

FILED

DEC 26 1991

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT of CALIFORNIA
By (init) Deputy

PLEASE TAKE NOTICE that the judgment of the United States Court of Appeals, Ningh Circuit, having been received in the above-entitled case, this matter has been set for hearing

on 1-13-92 at 11:00 o'clock before the Honorable Manuel L. Real, United States District Judge, in Courtroom No. 8, United States Courthouse, 312 N. Spring Street, Los Angeles, California. It will NOT be necessary for all counsel to be present at that time.

CLERK, U.S. DISTRICT COURT

By: /s/
Deputy Clerk

Dated: DEC 26 1991

JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 90-56362
CT/AG : CV-90-3119-R

MONTE LEE

Plaintiff - Appellant

v.

UNITED STATES GOVERNMENT

Defendant - Appellee

LODGED

DEC 16 1991

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
By (init.) Deputy

APPEAL FROM the United States District Court for the Central District of California.

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the Central

District of California and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is AFFIRMED.

Filed and entered August 30, 1991.

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court

ATTEST

DEC 12 1991

by: _____
Deputy Clerk

APPENDIX E

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Civil Minutes - Appeals

Case No. CV90-3119-R Date 1-13-92

Title Monte Lee -v- U.S.A.

PRESENT: THE HON. Manuel L. Real

Carolyn Trump	Lena Van Smith
Deputy Clerk	Court Reporter

ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFEMDAMT
1) N/A	1) N/A
2)	2)
3)	3)

PROCEEDINGS: FILING AND SPREADING MANDATE OF THE NINTH CIRCUIT COURT OF APPEALS.

xx IN COURT ___ IN CHAMBERS (No hearing necessary)

___ COUNSEL NOTIFIED

THE COURT ORDERS that the mandate of the Ninth Circuit Court of Appeals:

xx Affirming ___ Remanding

___ Reversing and Remanding

___ Affirming in part, reversing in part

___ Dismissing Appeal

___ The record reflects that costs of the prevailing party were taxed by the Ninth Circuit Court of Appeals in the amount of

$_____ on _____

___ Other _____

is hereby filed and spread upon the minutes of this U.S. District Court.

(ENTERED_____) ___ MAKE JS-5

Initials of Deputy Clerk /init/